

As pronounced

**STATEMENT BY**

**H.E. MR. DIRK JAN VAN DEN BERG**

**PERMANENT REPRESENTATIVE**

**OF**

**THE KINGDOM OF THE NETHERLANDS**

**ON**

**THE PROPOSED RENEWAL OF THE PROVISIONS OF  
SECURITY COUNCIL RESOLUTION 1422 (2002)**

**NEW YORK, 12 JUNE 2003**

The Netherlands as host nation to the ICC is grateful for this opportunity to speak in the open meeting of the Security Council.

The Netherlands fully concurs with the statement made by the Greek Presidency and will therefore be brief.

The Netherlands is in a position to witness daily the developments at the International Criminal Court. Its establishment has been conducted in an effective manner. The judges were inaugurated in The Hague on 11 March last. They fit the stringent requirements that the Statute has set. A very competent prosecutor will be inaugurated coming Monday in the Peace Palace. In short, the ICC is ready to take up its important work.

The Netherlands fully endorses the view that article 16 should be invoked in conformity with the Statute.

Art 16 reads that “no investigation or prosecution may be commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect”.

From both the text and the travaux préparatoires of this article follow that this article allows deferrals

- only on a case by case basis;
- only for a limited period of time;
- and only when a threat to or breach of peace and security has been established by the Council under Chapter VII of the UN Charter.

In our view, article 16 does not sanction blanket immunity in relation to unknown future events. The Secretary-General has followed this line of reasoning before the adoption of resolution 1422 as well.

Mr. President,

The Netherlands firmly believes that resolution 1422 undermines the letter and the spirit of the Statute of the ICC and that a repeated renewal is to be rejected.

Adoption of this resolution today should not in any way be interpreted as moving in the direction of automatic yearly renewal. The Netherlands has committed itself to defend and advocate the integrity and reliability of the ICC and the Rome Statute.

Thank you, Mr. President.